



MEMORANDUM

To: PLANNING COMMISSION

Date: December 12, 2006

From: COMMUNITY DEVELOPMENT DEPARTMENT

**Subject: EXTENSION OF TIME APPLICATION, EOT-06-04: DIANA –
APOSTOLIC CHURCH**

REQUEST

The applicant is requesting approval of a one year extension of the use permit approval granted for the construction and operation of a 12,488-sf church in a R1(9,000)/RPD zoning district.

RECOMMENDATION

Application, EOT-06-04: Adopt attached resolution, approving the one year extension of time

Processing Deadline: May 13, 2007

CASE ANALYSIS

On November 29, 2005, the Planning Commission approved a conditional use permit to allow the construction and operation of a church at the southeast corner of Diana Avenue and Walnut Grove Drive. As a condition of the approval, the applicant was required to commence the use within one year of the use permit approval. The applicant submitted plans for building plan check review in March 2006. However, a permit cannot be issued until the Building Division signs off on the final plans and impact fees and building permit fees are paid. As noted in the applicant's Letter of Request (attached for the Board's reference), the church's existing facility in San Jose is for sale. Proceeds from that sale will be used to pay the fees necessary to obtain a building permit and commence construction of their new facility in Morgan Hill.

RECOMMENDATION

Staff recommends approval of the extension of time request, subject to the findings and conditions of the attached resolution.

Attachments:

1. Approval Resolution
2. Applicant's Letter of Request
3. Site Plan

RESOLUTION NO. 06-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MORGAN HILL APPROVING A ONE YEAR EXTENSION OF THE CONDITIONAL USE PERMIT APPROVAL TO CONSTRUCT AND OPERATE A 12,488-SF CHURCH AT THE SOUTHEAST CORNER OF DIANA AVENUE AND WALNUT GROVE DRIVE IN A R1(9,000)/RPD ZONING DISTRICT (APN 726-07-079)

WHEREAS, such request was considered by the Planning Commission at their regular meeting of December 12, 2006, at which time the Planning Commission approved extension of time application, EOT-06-04: Diana – Apostolic Church; and

WHEREAS, testimony received at a duly-noticed public hearing, along with exhibits and drawings and other materials have been considered in the review process.

**NOW, THEREFORE, THE MORGAN HILL PLANNING COMMISSION DOES
RESOLVE AS FOLLOWS:**

SECTION 1. The approved project is consistent with the Zoning Ordinance and the General Plan.

SECTION 2. An environmental initial study has been prepared for this application, and has been found complete, correct and in substantial compliance with the requirements of the California Environmental Quality Act. A mitigated Negative Declaration was filed with the original use permit and site review applications.

SECTION 3. The approved conditional use has been found consistent with the criteria for use permit approval contained in Section 18.54.050 of the Zoning Code.

SECTION 4. The Planning Commission hereby extends the conditional use permit approval to construct and operate a 12,488-sf church from November 29, 2006 to November 29, 2007. Failure to commence the use by November 29, 2007 shall result in termination of approval unless an extension of time is granted with a showing of just cause prior to the expiration date.

SECTION 5. With the exception of the one year extension of time, this approval does not supersede nor affect the validity of any conditions of the original conditional use permit approval, as contained in Resolution No. 05-70.

PASSED AND ADOPTED THIS 12th DAY OF DECEMBER 2006, AT A REGULAR MEETING OF THE PLANNING COMMISSION BY THE FOLLOWING VOTE:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ATTEST:

APPROVED:

FRANCES O. SMITH, Deputy City Clerk

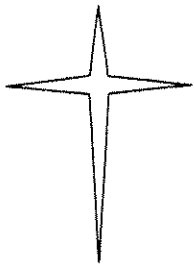
ROBERT J. BENICH, Chair

A F F I D A V I T

I, **Bishop T.A. Price**, applicant, hereby agree to accept and abide by the terms and conditions specified in this resolution.

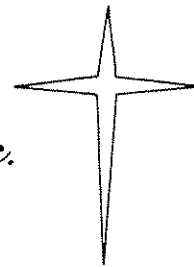
Bishop T.A. Price, Applicant

Date: _____



Light of the World Apostolic Cathedral Inc.

3777 Quimby Road, San Jose, California 95148
(408) 292-7930, Fax (408) 227-2957



Pastor and Founder
Bishop Theophilus A. Price, D.D.

Vice President
Lady Marie Joyce Price

PLANNING DEPT.

NOV 13 2006

CITY OF MORGAN HILL

November 13, 2006

Joan Moore
City of Morgan Hill
Planning Manager
17555 Peak Avenue
Morgan Hill, CA 95037

Re: Light of the World
17374 Walnut Grove Drive,
Morgan Hill

Dear John,

This formal request for the extension of the Conditional Use Permit UP-05-07 which was approved on November 29, 2005 and the Architectural and Site Review SR-05-17 which was approved on January 19, 2006.

This request is being made due to the pending sale of the current property at 3777 Quimby Road, in San Jose. Once this existing property is sold we will commence the construction of the church at 17374 Walnut Grove Drive for which these permits were issued.

The Building Department application was submitted on March 3, 2006 and consequently all the plan check comments received on March 27, 2006 and June 5, 2006 which were duly responded to and the plans were approved on August 14, 2006.

We are requesting for one year extension on both the Conditional Use Permit UP-05-07 and Architectural and Site Review SR-05-17. If you could kindly grant us this extension.

Thank You,

Bishop T. A. Price



PLAN APPROVED

THIS PLAN WAS APPROVED BY
 THE ARB ON 1-19-06

FILE NUMBER
SR05-17: Accessible Church

PLANNING OFFICIAL
J. [Signature]

A-See Book# 05-33
Project: for conditions of approval

Light of The World

3910 Diana Avenue
 Morgan Hill, CA 95037

GENERAL NOTES:

1. THE SHEET IS ONE OF A SET & IS NOT TO BE USED ALONE.
2. THIS SHEET IS FOR THE ARCHITECT'S USE ONLY. THE ARCHITECT'S SHOP & SEPARATE SET OF THIS SHEET.
3. ANY CHANGES TO THE SHEET MUST BE MADE BY THE ARCHITECT & NOT BY THE OWNER OR ANY OTHER PARTY.
4. THE ARCHITECT'S SHOP & SEPARATE SET OF THIS SHEET.
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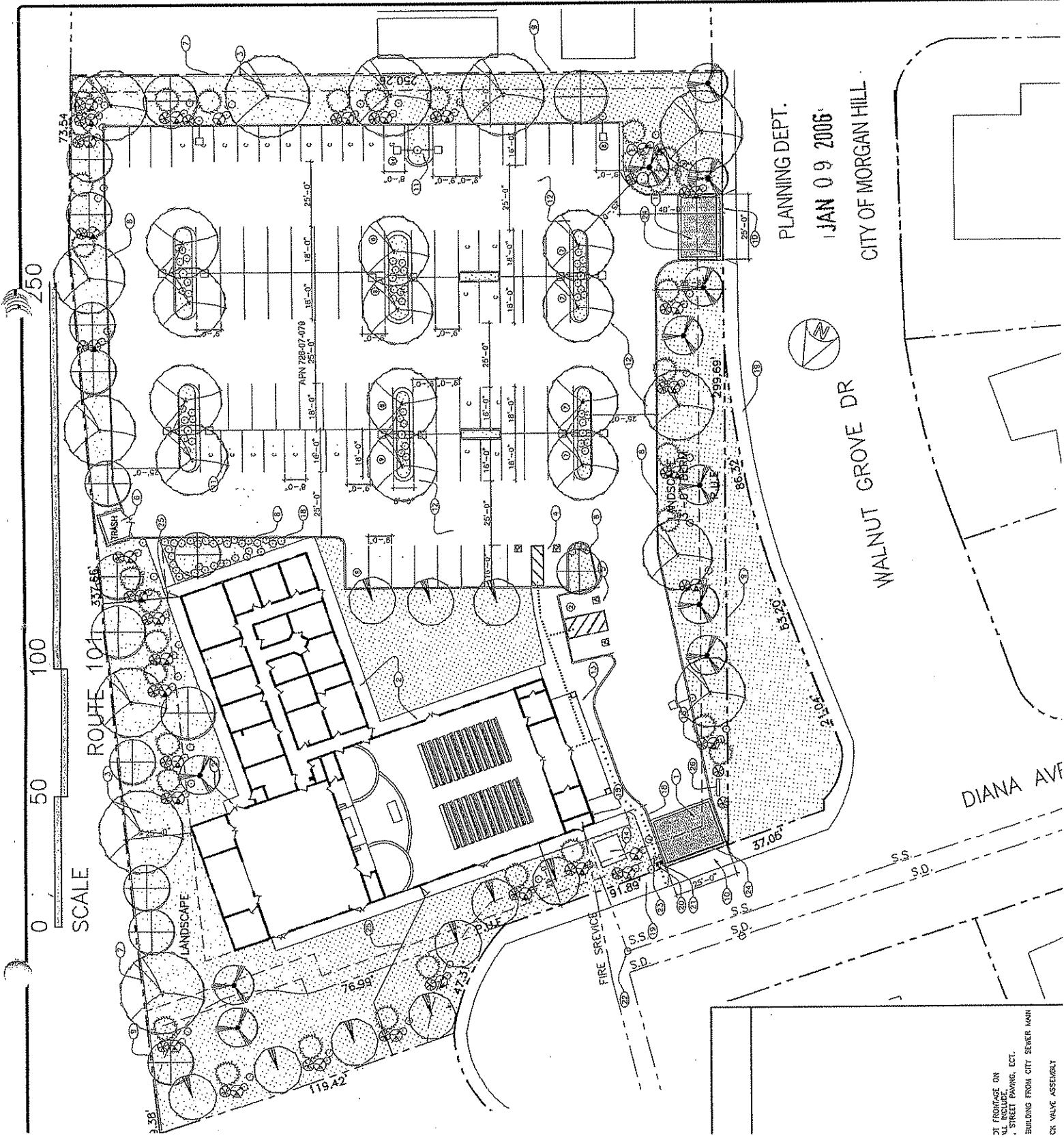
Colored plans

SHEET NAME:

SITE PLAN

REVISIONS	BY

DRAWN



PLANNING DEPT.
 JAN 09 2006
 CITY OF MORGAN HILL

AT FRONTAGE ON
 ALL INCLUDE:
 STREET PAVING, ECT.
 BUILDING FROM CITY SEWER MAIN
 CK VALVE ASSEMBLY